

SENATE BILL 9

J1
SB 13/00 – JPR

(PRE-FILED)

0lr0385

By: **Senator DeGrange**
Requested: July 15, 2009
Introduced and read first time: January 13, 2010
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Health – Duty to Report Death – Requirement and Penalties**

3 FOR the purpose of requiring certain individuals who have personal knowledge of the
4 death of another or who have personally discovered the body of another
5 individual to provide certain notice of the death within a certain time period to
6 a law enforcement officer, physician, 9–1–1 system, or medical examiner under
7 certain circumstances; providing for the application of this Act; establishing
8 certain penalties; and generally relating to the duty to report the death of
9 certain individuals under certain circumstances.

10 BY repealing and reenacting, without amendments,
11 Article – Health – General
12 Section 5–101
13 Annotated Code of Maryland
14 (2009 Replacement Volume)

15 BY adding to
16 Article – Health – General
17 Section 5–203
18 Annotated Code of Maryland
19 (2009 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Health – General**

23 5–101.

24 In this title, “body” means a dead human body.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **5-203.**

2 (A) THIS SECTION APPLIES ONLY TO AN INDIVIDUAL WHO:

3 (1) HAS PERMANENT OR TEMPORARY CUSTODY OR
4 RESPONSIBILITY FOR THE SUPERVISION OR CARE OF THE INDIVIDUAL WHO IS
5 THE DECEASED;

6 (2) IS A SPOUSE, PARENT, OR ADULT CHILD OF THE DECEASED;
7 OR

8 (3) IS A MEMBER OF THE HOUSEHOLD OF THE DECEASED.

9 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN INDIVIDUAL
10 WHO HAS PERSONAL KNOWLEDGE OF THE DEATH OF ANOTHER INDIVIDUAL OR
11 WHO HAS PERSONALLY DISCOVERED THE BODY OF ANOTHER INDIVIDUAL SHALL
12 PROVIDE, IN PERSON OR BY TELEPHONE, NOTICE OF THE DEATH WITHIN 24
13 HOURS AFTER ACQUIRING PERSONAL KNOWLEDGE OR DISCOVERY OF THE
14 DEATH TO:

15 (1) A LAW ENFORCEMENT OFFICER AS DEFINED IN § 3-101 OF
16 THE PUBLIC SAFETY ARTICLE;

17 (2) A PHYSICIAN WHO HAS PROVIDED MEDICAL TREATMENT TO
18 THE DECEASED INDIVIDUAL WITHIN 30 DAYS PRIOR TO THE KNOWLEDGE OR
19 DISCOVERY OF THE DEATH;

20 (3) A 9-1-1 SYSTEM OR PUBLIC SAFETY ANSWERING POINT AS
21 THOSE TERMS ARE DEFINED IN § 1-301 OF THE PUBLIC SAFETY ARTICLE; OR

22 (4) A MEDICAL EXAMINER.

23 (C) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO AN
24 INDIVIDUAL WHO HAS A REASONABLE BELIEF THAT NOTICE OF THE DEATH HAS
25 BEEN PREVIOUSLY MADE UNDER SUBSECTION (B) OF THIS SECTION.

26 (D) AN INDIVIDUAL WHO FAILS TO PROVIDE NOTICE AS REQUIRED
27 UNDER SUBSECTION (B) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND
28 ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A
29 FINE NOT EXCEEDING \$500 OR BOTH.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2010.